

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Case No. 08-cv-028-PB

Philip B. Spitz

**REPORT AND RECOMMENDATION**

In an order dated July 27, 2011, the court granted plaintiff's motion to compel post-judgment discovery and ordered defendant to appear before the court on September 2, 2011, for a hearing to establish a schedule for periodic payment of the judgment (doc. no. 12) and referred the matter to this magistrate judge. In accordance with the July 27 order, a hearing was held on September 2, 2011. Michael T. McCormack, Esquire, appeared for plaintiff; defendant did not appear. The docket reflects that the clerk's office mailed defendant a copy of the July 27 order to his last known address. At the hearing, Mr. McCormack indicated that his office had also forwarded a copy of the July 27 order to defendant's last known address. Before the close of the hearing, Mr. McCormack asked for this court to issue an order for defendant to "show cause" why he should not be held in contempt for his failure to appear. Mr.

McCormack will file a motion requesting the same on today's date. I recommend that the motion be granted and the defendant be ordered to appear and show cause why he should not be found in civil contempt.

Any objections to this Report and Recommendation must be filed within fourteen (14) days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010); United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008).



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Landya B. McCafferty  
United States Magistrate Judge

Date: September 2, 2011

cc: Michael T. McCormack, Esq.  
John J. Farley, Esq.  
Philip B. Spitz